



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,816	07/28/2003	Robert Metzger	5490-000331	5865
27572	7590	11/14/2007	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			SWIGER III, JAMES L	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			3733	
			MAIL DATE	DELIVERY MODE
			11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary	Application No.	Applicant(s)	
	10/628,816	METZGER, ROBERT	
	Examiner	Art Unit	
	James L. Swiger	3733	

All participants (applicant, applicant's representative, PTO personnel):

(1) James L. Swiger. (3) _____

(2) Brian D. Hollis. (4) _____

Date of Interview: 30 October 2007.

Type: a) Telephonic b) Video Conference
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: _____

Claim(s) discussed: 1, 12, and 31.

Identification of prior art discussed: Bowman et al. (US Patent 4,952,213).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on-attached sheet.


EDUARDO J. ROBERT
SUPERVISORY PATENT EXAMINER



Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Representative for applicant phoned examiner for clarification of office action dated 7/13/2007. Examiner discussed the Bowman reference in light of the previous claim amendments directed to a resecting member being generally proximate to said positioning member. Examiner stated that being proximal as claimed depends on how the apparatus is viewed, from different orientations. Representative also discussed the limitations as written in claim 12, directed to a rod and resecting tool separate, but again was discussed as both items could be considered as separate since they are at opposing ends--one may be proximal to the other.